

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT SMITH Jr.,

Plaintiff,

v.

SGT. R. ROBERTS *et al.*,

Defendants.

Case No. C06-5635RJB

ORDER ALLOWING PLAINTIFF
TO AMEND THE COMPLAINT

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff was given leave to proceed *in forma pauperis*. Plaintiff has filed two motions asking for leave to supplement or amend his complaint (Dkt. # 3 and 7).

Pursuant to Fed. R. Civ. P. 15 (a), Mr. Smith may amend his complaint once as a matter of course without leave of court if the amendment is done prior to an answer or responsive pleading being filed. The defendants have not yet been served and Mr. Smith does not need the courts permission to amend at this stage.

The court will not accept a supplemental complaint. If Mr. Smith amends, he will need to file a complete new complaint. It should be titled "First Amended Complaint." The first amended complaint will act as a complete substitute for the original complaint in this action.

ORDER

1 Plaintiff is reminded the court will need a filled out marshal service form and a copy of the
2 first amended complaint for each named defendant if Mr. Smith wants the court to attempt service by
3 mail.

4 The court will give plaintiff until February 23, 2007 to have the complaint and service
5 documents filed. The Clerk is directed to send plaintiff a copy of this Order and note the February
6 23, 2007 due date. The court will then consider the amendment and determine if service is
7 warranted.

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9 DATED this 24 day of January, 2007.

10 /S/ J. Kelley Arnold
11 J. Kelley Arnold
12 United States Magistrate Judge
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28 ORDER